

**CALIFORNIA CODE OF REGULATIONS**  
**TITLE 23. WATERS**  
**DIVISION 2. DEPARTMENT OF WATER RESOURCES**  
**CHAPTER 1.5. GROUNDWATER MANAGEMENT**  
**SUBCHAPTER 1. GROUNDWATER BASIN BOUNDARIES**

**ARTICLE 1. Introductory Provisions**

**§ 340. Authority and Purpose**

These regulations specify the information a local agency is required to provide when requesting that the Department revise the boundaries of a basin, including the establishment of new subbasins, and the methodology and criteria used by the Department to evaluate a change to existing basin boundaries.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10722.2 and 12924, Water Code.

**§ 340.2. Intent**

The revision of any basin boundaries or creation of new subbasins approved by the Department shall be consistent with the State's interest in the sustainable management of groundwater basins as expressed in the Sustainable Groundwater Management Act (Part 2.74 of Division 6 of the Water Code, beginning with Section 10720).

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10720.1, Water Code.

**§ 340.4. Basin Boundaries**

**Unless other basin boundaries are established pursuant to these regulations, a basin's boundaries shall be as identified in Bulletin 118. The unambiguous written description of a basin boundary in Bulletin 118 shall prevail over any inconsistent basin boundary as depicted on a map, in an electronic data file, or otherwise, except when modified pursuant to these regulations. Any discrepancy or uncertainty shall be resolved by the Department based upon the best available technical information.**

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10721(b), 10722, 10722.2, and 12924, Water Code.

July 17, 2015

**Commented [jef1]:** This language suggests that local agency interpretations or descriptions of basin boundaries *can* differ from existing descriptions and maps B-118. Based on our limited experience with B-118 basin descriptions to date, the difficulty that we have noted is that the existing B-118 descriptions are, in many cases, *far* from "unambiguous." The language here states that "any discrepancy or uncertainty shall be resolved by the Department based upon the best available technical information." Unfortunately, this leaves may local agencies—and private landowners—in a jurisdictional limbo. As a practical matter, this becomes a major problem that will manifest across numerous aspects of local implementation, including fees, reporting, monitoring requirements, water rights implications, and potential limitations on extractions. Broadly stated, the question of "basin boundary modification" as addressed in these draft regs begs the related question of insufficient clarity with respect to the precise metes, bounds, and jurisdictional ramifications of the *existing* boundaries in B-118. To avoid such problems, the Department's regulations should include procedures for minor clarification or adjustment of existing boundaries, short of full boundary modification.

## ARTICLE 2. DEFINITIONS

### § 341. Definitions

In addition to terms defined in the Sustainable Groundwater Management Act and in Bulletin 118, which definitions apply to these regulations, the following terms used in this Subchapter have the following meanings:

- (a) “Act” means the Sustainable Groundwater Management Act (Part 2.74 of Division 6 of the Water Code, beginning with Section 10720).
- (b) **“Administrative adjustment”** means a basin or subbasin boundary adjustment by the Department that either (1) **amends existing basin boundary data files to accurately reflect an unambiguous written basin boundary description as defined in Bulletin 118 or amended pursuant to this Part, or (2) restates the definition of a basin boundary definition to more precisely reflect a mapped basin boundary consistent with the original definition.**
- (c) “Affected agency” means a local agency, as defined in Water Code section 10721(m), whose jurisdictional area would, as a result of a boundary modification, include more, fewer, or different basins or subbasins than without the modification.
- (d) “Affected basin” means a basin or subbasin where the ability to achieve sustainable groundwater management could be significantly affected by groundwater use or management practices in another existing or proposed basin or subbasin. An adjacent basin or subbasin is presumed to be an affected basin for purposes of this Subchapter. The Department may determine a non-adjacent basin or subbasin is an affected basin if convincing evidence shows that the hydraulic connection to another basin is likely to affect the ability of the non-adjacent basin to achieve sustainable groundwater management over the planning and implementation horizon.
- (e) “Affected system” means a public water system, as defined in Water Code section 10721(r), whose service area would, as a result of a boundary modification, include more, fewer, or different basins or subbasins than without the modification.
- (f) “Basin consolidation” refers to any boundary modification that would reduce the number of subbasins within a basin or merge two or more adjacent basins but would change only shared boundaries and would not change the external boundary of any basin or subbasin.

**Commented [jef2]:** The regs should consider developing the concept of “administrative adjustment” as a method to seek minor clarification of a basin’s *existing* boundaries, short of full “basin boundary modification.”

(g) “Basin subdivision” refers to any boundary modification that would increase the number of subbasins within a basin or subbasin.

(h) “Boundary modification” means a change to the boundaries of an existing basin or subbasin or the establishment of a new subbasin.

(i) “Commission” means the California Water Commission.

(j) “County basin consolidation” means the consolidation of all contiguous basins or subbasins within a county into a single basin or subbasin whose boundaries do not extend beyond those of the county. If there are non-contiguous basins within a county, the consolidation applies separately to each basin or group of contiguous basins in the county. A county basin consolidation may redefine the shared boundaries of one or more adjacent basins or subbasins, but would not result in a net change in the amount of area included within a basin.

(k) “Department” means the Department of Water Resources.

(l) “External boundary modification” refers to any proposal that would modify the boundary between the groundwater basin and the area outside the basin.

(m) “GIS” means a Geographic Information System that collects, stores, analyzes, and displays spatial or geographically referenced data.

(n) “Hydrogeologic barrier” refers to any subsurface feature that significantly impedes lateral groundwater flow.

(o) “Hydrogeologic conceptual model” means a description of the geologic and hydrologic framework governing groundwater flow through and across the boundaries of a basin and the general groundwater conditions in a basin.

(p) “Internal boundary modification” refers to any boundary modification that would adjust the location of a boundary between subbasins within a basin or the shared boundary between adjacent basins.

(q) “Professional engineer” means a professional engineer licensed pursuant to Business and Professions Code, Division 3, Chapter 7, Section 6700 et seq.

(r) “Professional geologist” means a professional geologist licensed pursuant to Business and Professions Code, Division 3, Chapter 12.5, Section 7800 et seq.

(s) “Qualified map” means a geologic map of a scale no smaller than 1:250,000 that is published by the U. S. Geological Survey or the California Geological Survey, or is a map or report of a geologic investigation conducted by a state or federal agency, or is a geologic map prepared and signed by a professional geologist that is acceptable to the Department.

(t) “Requesting agency” means the local agency that requests a boundary modification as authorized by Water Code section 10722.2.

(u) “Revision request manager” is an employee or authorized representative of a requesting agency who has been delegated responsibility for submitting the boundary modification request and serving as the point of contact between the requesting agency and the Department.

(v) “State” means the State of California.

(w) “Technical study” means a geologic or hydrologic report prepared and published by a state or federal agency, or a study published in a peer-reviewed scientific journal, or a report prepared and signed by a professional geologist or by a professional engineer.

(x) “Written notice” means notification by e-mail or U.S. Mail.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Division 3, Chapter 12.5, Section 7800 et seq., and Chapter 7, Section 6700 et seq., Business and Professions Code; Sections 25299.97 and 116275, Health & Safety Code, Sections 10721, 10722.2, and 12924, Water Code.

### ARTICLE 3. BOUNDARY MODIFICATION CATEGORIES

#### § 342. Introduction to Boundary Modifications

This Article describes different categories of boundary modifications. The identified categories are scientific modification, based on geologic or hydrologic criteria, and jurisdictional modification, which promote the adoption and implementation of effective sustainable management plans and enhance local management of groundwater. **An administrative adjustment does not constitute a modification subject to this Subchapter.**

For purposes of this Subchapter, a groundwater basin generally refers to an alluvial aquifer or stacked series of alluvial aquifers with a minimum thickness of 25 feet, with reasonably well-defined boundaries in a lateral direction, based on features that significantly impeded groundwater flow, and a definable bottom characterized by rock or sediment of low permeability or the base of fresh water, as further described or defined in Bulletin 118.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10720.1, 10722.2 and 12924, Water Code.

#### § 342.2. Scientific Modification

A scientific modification to a basin boundary consists of one of the following modifications and involves the addition, deletion, or relocation of a boundary based on the geologic or hydrologic conditions that define a groundwater basin:

(a) **An external boundary modification. Except in the case of some basin consolidations, external basin boundaries will only be modified as a result of scientific modifications.**

(b) A hydrogeologic barrier modification.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10720.1 and 12924, Water Code.

**Commented [CFBF3]:** See related comments concerning “administrative adjustment” procedures as a potential mechanism to clarify *existing* basin boundaries, short of a full “basin modification.”

**Commented [jef4]:** The Department should consider adding procedures and criteria for “administrative adjustments,” as a method for minor adjustment of a basin’s *existing* boundaries, short of full “basin modification.” As elsewhere noted, the question is pertinent because many basin boundary descriptions and existing basin maps are quite imprecise, and yet there is a compelling need at the local and individual level for greater certainty.

#### § 342.4. Jurisdictional Modification

A jurisdictional modification to a basin boundary consists of one of the following modifications to promote the adoption and implementation of effective sustainable management plans and enhance local management of groundwater:

- (a) Internal boundary modification,
- (b) Basin consolidation, including county basin consolidation, or
- (c) Basin subdivision.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10720.1 and 12924, Water Code.

#### § 342.6. Other Boundary Modifications

Any boundary modification that does not conform to the categories specified in this article may be considered by the Department based on information the Department deems adequate to evaluate the modification in accordance with section 10722.2 of the Water Code.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10720.1 and 12924, Water Code.

**Commented [jef5]:** Pending legislation (AB 1390 / SB 226) would provide a procedure for a SGMA consistency finding under special comprehensive groundwater adjudication procedures. In the event this legislation is signed into law, the regulations should consider providing for modification of basin boundaries as a result of a basin adjudication.

**Commented [jef6]:** It is not clear what "other" types of basin boundary modifications might be proposed. As elsewhere noted, the Department should consider adding procedures and criteria for "administrative adjustments," as a method for minor adjustment of a basin's *existing* boundaries, short of full "basin modification."

## ARTICLE 4. PROCEDURES FOR MODIFICATION REQUEST OR PROTEST

### § 343. Introduction to Procedures

This Article describes procedural requirements related to boundary modification requests and protests to those requests.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

### § 343.2. Eligibility to Request Boundary Modification

A request for boundary modification may be initiated by a local agency whose jurisdiction lies within or borders the basin or subbasin for which boundary modification is sought.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

### § 343.4. Forms and Instructions

The Department shall make the forms and instructions for boundary modification requests available on its Internet Web site.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

### § 343.6. Combination of Requests

Requesting agencies shall combine all boundary modification requests that affect the same basin or subbasin and shall coordinate with other affected agencies and affected systems, as necessary, to present the information as a single request. The Department may consider or adopt all or any part of a combined basin modification request.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

**Commented [jef7]:** Rather than requiring unanimous agreement in all cases, the regulations should perhaps provide procedures for situations in which two or more agencies request different modifications of the same basin. (See related comments concerning "Protests" and "Local Support.")

### § 343.8. Review Periods

**Prior to updating or revising Bulletin 118, the Department shall establish review periods during which boundary modification requests will be accepted and evaluated. The Department will announce the start of each review period on its Internet Web site at least 60 days before the review period begins, and each review period will remain open at least 60 days.**

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2 and 12924, Water Code.

### § 343.10. Status of Request

- (a) The Department shall acknowledge all boundary modification requests by written notice within ten (10) working days of receipt and shall post all materials received on the Department's Internet Web site.
- (b) The Department shall determine whether the boundary modification request is complete and provide written notice to the requesting agency of its determination or of the need for additional information.
- (1) A boundary modification request will be deemed complete if it substantially complies with the requirements of this Subchapter. Substantial compliance means that the requesting agency has attempted to comply with these regulations and the legislative intent of the Act in good faith, and the information submitted and the form of submission are sufficiently detailed and necessary, as determined by the Department to process the boundary modification request.
- (2) The Department will not evaluate a boundary modification request until all information required by this Subchapter or specifically requested by the Department has been provided. However, the Department may begin its evaluation before evidence of local support described in Section 344.8 has been made available if the requesting agency affirms that the required support is likely to be forthcoming.
- (c) When the Department determines that a request for boundary modification is complete, the Department shall update information posted to the Department's Internet Web site to reflect that the Department is prepared to review the request on its merits and to accept protests to the request pursuant to Section 343.12.
- (d) The requesting agency shall, upon receiving notice that the request is complete, notify all interested local agencies and public water systems and any other person

**Commented [jef8]:** Future B-118 revisions are a logical place, not only to solicit potential "basin boundary modification requests," but also to allow minor clarification of *existing* basin boundaries through "administrative adjustment." Since, as DWR has acknowledged, the quality of information used to establish the existing B-118 boundaries is highly variable, such a procedure could afford local agencies a means to supplement "best available data" on local basins in the interest of improved management. In addition, the regulations should create procedures to allow such "administrative adjustment" requests outside of a formal B-118 update. Administrative adjustments to basins from such requests could be posted in real-time as supplemental documentation to replace less precise, existing information from B-118.



or entity who has expressed an interest in receiving notification of the proposed modification to the requesting agency.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

### **§ 343.12. Protests**

(a) Any person may protest a basin modification request as follows:

(1) Protests must be submitted electronically to the Department within 30 days after receiving the notice required by Section 343.10(d), with a duplicate copy sent to the requesting agency the same day.

(2) The protest must include the name, address, and e-mail address of the protestant.

(3) The protest must include a clear statement of the protesting entity's objections.

(4) A protest must rely on the same type of scientific and technical information, and will be evaluated by the same criteria, as the particular basin modification request to which it is addressed.

(b) The Department shall post all protests on the Department's Internet Web site.

(c) The Department is not required to respond to protests, but will consider protests as part of its evaluation of a request.

(d) The Department shall give the requesting agency a reasonable opportunity to respond to protests.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

**Commented [CFBF9]:** Where two or more agencies are unable to agree on a single request for modification, the protest procedures could be used to afford objecting parties an opportunity to critique another party's proposed modification, and to instead present data in support of a competing proposal. (See related comments concerning "Combination of Requests" and "Local Support.")

## **ARTICLE 5. SUPPORTING INFORMATION**

### **§ 344. Introduction to Supporting Information**

This Article describes the type of information that a requesting agency is either required or encouraged to provide to support a boundary modification request.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

#### **§ 344.2. Requesting Agency Information**

Each request for boundary modification shall include the following information:

- (a) The name and physical address of the requesting agency.
- (b) A copy of the statutory or other legal authority under which the requesting agency was created with specific citations to the provisions setting forth the duties and responsibilities of the agency.
- (c) A copy of the resolution adopted by the requesting agency formally initiating the boundary modification request process.
- (d) The name and contact information, including phone number, mailing address and e-mail address, of the revision request manager.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

#### **§ 344.4. Notice and Consultation**

Each request for boundary modification shall include information demonstrating that the requesting agency consulted with interested local agencies and public water systems in the affected basins including, but not limited to, the following:

- (a) A list of local agencies and public water systems in the affected basins.
- (b) An explanation of the methods used to identify interested local agencies and public water systems in the affected basins.

- (c) Information regarding the nature of consultation, including copies of correspondence with local agencies and public water systems and any other persons or entities consulted, as appropriate.
- (d) A summary of all public meetings at which the proposed boundary modification was discussed or considered by the requesting agency, including copies of agendas and notices published.
- (e) A copy of all comments regarding the proposed boundary modification received by the requesting agency and a summary of any responses made by the requesting agency.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

#### **§ 344.6. Description of Proposed Boundary Modification**

- (a) Each request for boundary modification shall include a concise description of the proposed modification, including an overview of the request and a description or explanation of the following:
  - (1) The category of boundary modification proposed.
  - (2) The identification of all affected basins.
  - (3) A proposed name for each new subbasin or consolidated basin, if applicable.
- (b) Each request for a jurisdictional boundary modification pursuant to Section 342.4 shall also include the following:
  - (1) An explanation of how sustainable groundwater management exists or could likely be achieved in the basin under the following circumstances:
    - (A) Under the existing basin boundaries.
    - (B) Under the proposed boundary modification.
  - (2) An explanation of how the proposed boundary modification would affect the ability of adjacent basins to sustainably manage groundwater in those basins.
  - (3) A historical summary of the sustainable management of groundwater levels in the proposed basin.
  - (4) A discussion of potential impact to state programs resulting from the proposed boundary modification, including, but not limited to the California Statewide Groundwater Elevation Monitoring (Water Code section 10920 et seq.), Groundwater Management Plans developed pursuant to AB 3030 (Water

Code section 10750 et seq.), Groundwater Sustainability Plans developed pursuant to the Sustainable Groundwater Management Act (Water Code section 10720 et seq.), any applicable state or regional board plans, and other water management and land use programs.

(c) Any other information deemed necessary by the Department.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

#### § 344.8. Local Support

(a) A requesting agency shall demonstrate local support for a proposed jurisdictional boundary modification pursuant to Section 342.4 as follows:

(1) A request that involves an internal boundary modification shall provide information demonstrating that the modification is supported by each affected agency and affected system.

(2) A request that involves a basin consolidation or county basin consolidation shall provide information demonstrating that the requesting agency notified each affected agency and affected system and that a majority of affected agencies and affected systems support the boundary modification.

(3) A request that involves basin subdivision shall provide information demonstrating that the boundary modification is supported by each local agency and by each public water system in the affected basin(s).

(b) Evidence of local support from any local agency shall consist of a copy of a resolution formally adopted by the decision-making body of the agency.

(c) Evidence of local support from any public water system shall consist of a copy of a resolution formally adopted by the decision-making body of the system or a letter of support signed by an executive officer with appropriate delegated authority.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

#### § 344.10. General Information

Each request for boundary modification shall include the following general information:

**Commented [jef10]:** Why does "basin consolidation" require only "a majority" of affected agencies, but "internal modification" and "subdivision" unanimous support? (See related comments above, concerning the need for procedures to address potential conflicting requests for modification of the same basin.) As a general comment, the concept of unanimous local support may be unrealistic and unachievable in some situations. Moreover, the concepts of "Coordination of Requests" and "Local Support" are potentially inconsistent with the proposed "Protest" procedure. This is where the regs should perhaps consider devising procedures for submission of potential competing proposals, with appropriate mechanisms for resolution of any differences. (See related comments concerning "Protests" and "Combination of Requests.")

(a) A description of the lateral boundaries of the alluvial aquifer or aquifers that form the groundwater basin and the definable bottom of the basin. The description shall be in terms that are clear and definite and sufficiently detailed to allow an authoritative map of the proposed lateral basin boundaries to be plotted from that description.

(b) A graphical map of adequate scale showing the proposed basin boundary in relation to the existing Bulletin-118 basin boundary and the local agencies that are within or bordering on the proposed basin.

(c) A GIS file of the proposed groundwater basin boundaries and the jurisdictional boundaries of any affected local agency.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10722.2 and 12924, Water Code.

#### **§ 344.12. Hydrogeologic Conceptual Model**

Each request for boundary modification, except for an internal boundary modification pursuant to Section 342.4(a), shall include a clearly defined hydrogeologic conceptual model demonstrating the following:

(a) Principal aquifer units within the basin.

(b) Lateral boundaries of the proposed basin, including:

(1) Geologic features that significantly impede or impact groundwater flow.

(2) Aquifer characteristics that significantly impede or impact groundwater flow.

(3) Significant geologic and hydrologic features and conditions of the principal aquifer units, as appropriate, including information regarding the confined or unconfined nature of the aquifer, facies changes, truncation of units, the presence of faults or folds that impede groundwater flow, or other groundwater flow restricting features within the basin.

(4) Key surface water bodies, groundwater divides and significant recharge sources.

(c) Recharge and discharge areas within the basin.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10722.2 and 12924, Water Code.

**§ 344.14. Technical Studies for Scientific Modifications**

(a) Each request for a scientific modification pursuant to Section 342.2 shall include information that demonstrates the areal and vertical extent of alluvial aquifer material, including the following:

- (1) A qualified map that depicts surficial geology illustrating the type, location, and extent of alluvium or similar bodies of rock or sediment that is sufficiently porous and permeable to store, transmit, and yield significant or economic quantities of groundwater to wells and springs.
- (2) Subsurface data that demonstrates the vertical thickness and relevant physical properties of the alluvial aquifer or stacked series of alluvial aquifers.

(b) In addition to the information required in subsection (a), each request for scientific modification involving a hydrogeologic barrier pursuant to Section 342.2(b) shall demonstrate the presence or absence of subsurface restrictions on lateral groundwater flow, such as impermeable material, fault, or groundwater divide, based on the following information:

- (1) A qualified map depicting structural geologic features that could significantly impact or impede lateral groundwater flow.
- (2) Geologic and hydrologic evidence of groundwater conditions including, as appropriate:
  - (A) Historical and current potentiometric surface maps of the aquifer system within the vicinity of proposed boundary modification.
  - (B) Aquifer performance testing results demonstrating basin boundary condition response.
  - (C) Water quality information of the aquifer system including but not limited to general water quality parameters and isotopic analysis.
  - (D) Supporting certified geophysical studies.
  - (E) Other information that the requesting agency considers relevant to the request.

(3) Other technical information required by the Department.

(c) A request for a scientific modification to an external boundary pursuant to Section 342.2(a) may utilize any of the information in subsection (b) if the requesting agency believes it may assist the Department in its evaluation.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10722.2 and 12924, Water Code.

**§ 344.16. Technical Studies for Jurisdictional Modifications**

(a) Each request for a boundary modification that involves a jurisdictional modification pursuant to Section 342.4 shall include the following:

(1) A water management plan that covers or is in the immediate vicinity of the proposed basin or portion of the proposed basin and satisfies the requirement of Water Code sections 10753.7(a) or 10727, through one of the following:

(A) An adopted groundwater management plan, a basin wide management plan, or other integrated regional water management program or plan that meets the requirements of Water Code section 10753.7(a).

(B) Management pursuant to an adjudication action.

(C) One or more technical studies that cover the relevant portion of a basin or subbasin and adjacent areas.

(D) A valid Groundwater Sustainability Plan adopted pursuant to the Act.

(b) Each request for a boundary modification that involves a basin subdivision pursuant to Section 342.4(c) shall provide a description and supporting documentation of historical and current conditions and coordination within the existing basin or subbasin on the following components, where applicable:

(1) Groundwater level monitoring programs, historical and current groundwater level trends, and areas of significant groundwater level declines.

(2) Groundwater quality issues within the proposed and existing basin that may impact the supply of usable groundwater, including a map of known impacted sites and areas, mitigation measures planned or in place, and a description of impact to water budget.

(3) Inelastic land surface subsidence within the proposed and existing basin including a map of known subsidence areas, historical trends within known land subsidence areas, and a description of impacts to the basin or subbasin water budget.

(4) Groundwater-surface water interactions in the proposed and existing basin, which may be demonstrated by a map identifying significant surface water bodies, and a contour map or detailed written description of the direction of groundwater movement relative to the water bodies, the location and nature of

seeps and springs, and known water quality issues within the basin and in hydraulically connected adjacent basins.

(5) A map identifying the recharge areas in the proposed and existing basin.

(6) A statement of the existing and planned coordination of sustainable groundwater management activities and responsibilities between the proposed and existing basin where required by the Act.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10722.2, 10727, 10753.7, and 12924, Water Code.

#### **§ 344.18. CEQA Compliance**

Each request to modify a basin or subbasin shall include information necessary to enable the Department to satisfy the requirements of a responsible agency pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.).

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.



## ARTICLE 6. METHODOLOGY AND CRITERIA

### § 345. Introduction to Methodology and Criteria

This Article governs the methodology and criteria for the evaluation of proposed boundary modifications of groundwater basin boundaries.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

### § 345.2. Basis for Denial of Request for Boundary Modification

The Department may deny a request for boundary modification if it identifies significant concerns or is unable to resolve significant issues with the request including, but not limited to, any of the following:

(a) The proposed boundary modification may limit the opportunity or likelihood of any of the following:

(1) Sustainable management in the proposed basin.

(2) Sustainable management in other basins.

(3) Groundwater storage or recharge.

(4) The coordination and use of consistent data and methodologies by local agencies to evaluate groundwater elevation data, groundwater extraction data, surface water supply, total water use, change in groundwater storage, water budget, or sustainable yield.

(b) The requesting agency is unable to demonstrate a history of sustainable management of groundwater levels in the existing or proposed basin.

(c) For scientific modifications, if the Department does not consider that the available scientific evidence supports the addition, deletion, or relocation of a basin boundary.

(d) The requesting agency has failed to provide all required information or information deemed necessary by the Department or has failed to substantially comply with the requirements of this Subchapter.

(e) The proposed boundary modification could result in the isolation of areas with known groundwater management problems, or of areas, including disadvantaged

**Commented [jef11]:** Would a critical overdraft basin be automatically disqualified from consideration for a basin boundary adjustment due to the lack of "history of sustainable management," or are there means by which such a presumption of past negative history could be overcome—and, if so, what are they?

communities, that may lack the institutional infrastructure or economic resources to form an effective groundwater sustainability agency or develop an implementable groundwater sustainability plan.

(f) The proposed boundary modification could result in the creation of unmanaged areas.

(g) Where the Department finds that the requested boundary modification would be inconsistent with the objectives of the Act.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

#### **§ 345.4. Criteria for Evaluating Supporting Information**

The Department shall rely on the following information for evidence that the proposed basin can be sustainably managed, whether the proposed basin would limit the sustainable management of adjacent basins, and whether there is a history of sustainable management of groundwater levels in the proposed basin according to the general criteria described:

(a) For scientific modifications pursuant to Section 342.2, the Department will consider the adequacy of technical studies based on their demonstration of scientific support for the boundary modification. The technical studies will be evaluated according to the following:

(1) Hydrogeologic models will be evaluated to determine the degree to which the models align with the known geologic framework, the known direction and movement of groundwater flow, and the general understanding of water budget components for the basin or subbasin.

(2) Qualified maps of surficial geology, structural geology, or geophysical studies, and supporting subsurface interpretations, will be evaluated to determine the presence or absence of a groundwater flow boundary.

(3) Potentiometric surface maps, aquifer testing results, and water quality information will be evaluated to determine the presence or absence of a groundwater flow boundary.

(b) For jurisdictional modifications pursuant to Section 342.4, the Department shall review evidence from existing water management plans within or adjacent to the proposed basin or a portion of the proposed basin. The evaluation of sustainable management potential will generally assess the level of groundwater management

practices currently in place within the basin and the historical and existing aquifer response to these management practices. The water management plan will also serve to provide additional information should it be necessary to clarify questions regarding management activities or supporting technical information.

(c) For jurisdiction modifications of consolidation or county basin consolidation or basin subdivision pursuant to Section 342.4(b) and (c), the Department will evaluate the adequacy of a hydrogeologic conceptual model. The evaluation will assess the degree to which the model aligns with the known geologic framework, the known direction and movement of groundwater flow, and the general understanding of water budget components for the basin or subbasin.

(d) For jurisdiction modifications of basin subdivision pursuant to Section 342.4(c), the Department will evaluate the adequacy of the description and supporting documentation of historical and current conditions and coordination in the existing basin of the following, where applicable:

(1) Current and historic groundwater levels based on a groundwater monitoring well network that satisfies the following criteria:

(A) A sufficient density of monitoring wells to evaluate and implement sustainable groundwater management as determined by the Department.

(B) Wells with perforated intervals in all principal aquifer units.

(C) The density and distribution of wells is adequate to characterize the potentiometric surface for each of the principal aquifer units.

(D) The methods of data collection follow best management practices and data are collected at similar intervals and frequency.

(E) Groundwater level data demonstrates that the principal aquifer units have not experienced long-term declining conditions.

(2) Water quality data, including data showing that known water quality impacts would not be more isolated or concentrated in the proposed or existing basin.

(3) Current and historical land subsidence data demonstrating that no significant inelastic land subsidence has been observed in the proposed or existing basin.

(4) Technical studies of groundwater-surface water interactions showing that surface water is not adversely affected by groundwater extractions in the proposed or existing basin.

**Commented [jef12]:** Consistent with the criteria for undesirable effects under SGMA, this should be limited to "significant and unreasonable adverse impacts."

(5) Technical studies demonstrating that rates of recharge in the proposed and existing basin are adequate to replace current and likely future rates of extraction.

(6) Evidence of coordination between local agencies and public water systems within and between the proposed and existing basins or subbasins pertaining to water budgets, data collection, and other agreements designed to promote sustainable groundwater management, as appropriate.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

**Commented [jef13]:** This criterion would appear to require full attainment of the "sustainability goal" for the basin at the time of the basin boundary adjustment request. It should be clarified that such projections will look at long-term conditions under a particular management regime, on a time-scale comparable to the period within which basins must achieve the "sustainability goal" (e.g., 10 to 30 years). Consistent with SGMA, the criteria should also make some appropriate allowance for declining groundwater levels due to surface water reductions and during periods of extended drought.

## **ARTICLE 7. ADOPTION OF BOUNDARY MODIFICATION**

### **§ 346. Introduction to Department Procedures**

This Article describes the procedure for the adoption of boundary modifications by the Department.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Sections 10722.2 and 10723.4, Water Code.

### **§ 346.2. Presentation of Draft Boundary Modifications**

(a) If the Department determines that a boundary modification is supported by adequate technical information and meets the requirements of this Subchapter, the Department shall post the draft revised basin boundaries on the Department's Internet Web site and hold at least one public meeting to solicit comments on the draft boundaries.

(b) The Department shall present a copy of the draft revised basin boundaries to the Commission to hear and comment on the draft revision.

(c) The Department may finalize the revised basin boundaries 30 days after presentation to the Commission if the Department determines that no substantial changes are required.

(d) If the Department makes substantial changes to a proposed boundary modification after presentation to the Commission, the Department shall resubmit the proposed changes to the Commission for further review consistent with the Act.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

### **§ 346.4. Record of Boundary Modifications**

After revising the boundaries of a basin or establishing a new subbasin the Department shall record that information on the Department's Internet Web site and incorporate the revised basin boundaries in subsequent updates to Bulletin 118.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.

**§ 346.6. Subsequent Modifications by Department.**

If, after revising the boundaries of a basin or establishing a new subbasin, the Department determines, based on substantial evidence, that assumptions regarding the sustainable management of the new basin or subbasins were incorrect, and that as a result the boundary modification should not have been allowed, the Department may restore the boundaries to the alignment that existed before the boundary modification or make other revisions consistent with this Subchapter.

Note: Authority cited: Section 10722.2, Water Code.

Reference: Section 10722.2, Water Code.